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4 member, the [second] first member further including [having] a first contact
5 point that contacts the upper concha between the antihelix and the crux of
6 the helix, the [third] second member bending at the hinge point in response
7 to pressure from the upper concha on the first contact point to conform the
8 second member to [the] a size and shape of the [third member to stably
9 maintain the second member within the] upper concha.

REMARKS

Claims 2-6, 9 and 10 have been allowed, and claims 11-18 remain pending.

Claims 11 and 14-18 are amended herein.

Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

The courtesy of Examiner Khanh Dang in briefly discussing a proposed response on the telephone with Applicants' representative Mark C. Terrano on May 7, 1997, is appreciated. The reasons warranting favorable action presented during that interview are set forth in this response.

The specification has been objected to under 35 U.S.C. §112, first paragraph, as not providing support for the invention as now claimed. Claims 13 and 15-18 have been rejected under 35 U.S.C. §112, first paragraph, for the reasons set forth in the objection to

the specification. In particular, the Examiner contends that the term “ellipsoid,” as used in claims 13 and 15 to describe the concha stabilizer pad, does not have adequate support from the originally filed specification. Applicants have amended the specification to describe the concha stabilizer pad as “ellipsoid” in shape. Support for this amendment is found in Figure 1A which accurately depicts the ellipsoidal shape of the concha stabilizer pad 21. Applicants respectfully submit that the specification now more clearly supports the invention as claimed. Applicants also respectfully submit that claims 13 and 15 are now more clearly supported by the specification.

Claims 11-18 have been rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 11 and 14-18 to incorporate the Examiner’s suggestions. In particular, claims 11 and 14 have been amended to provide proper antecedent bases for the terms “helix” and “auditory meatus,” respectively. Claim 15 has been amended to positively recite the term “receiver”; to provide proper antecedent bases for the terms “lower concha,” “upper concha,” “antihelix,” and “helix”; and to more clearly define the claimed invention as an apparatus for stabilizing a headset including a receiver.

Claim 18 has also been amended to more clearly define the invention. In particular, claim 18 now more particularly identifies the elements of the claim consistently with the amendments to claim 15. Applicants respectfully submit that the

amended claims are now sufficiently distinct to be patentable to Applicants.

Claim 15 has been rejected under 35 U.S.C. 102(b) as being anticipated by either Kobayashi, Neal, Schier, Koch, Jones, or Langenbeck et al. Applicants respectfully traverse this rejection.

Claim 15 has been amended to more clearly define the scope and breadth of the invention. In particular, Applicants have amended claim 15 to recite an "ear cushion that couples to the receiver" and "dimensioned to fit in a lower concha." Similar limitations are found in claims 2 and 9, which the Examiner has indicated as being allowable. Claim 15, as amended, is neither disclosed nor suggested by the cited references. For example, none of the references disclose or suggest an *ear cushion* that couples to the receiver of the headset, and is dimensioned to fit in the concha. Applicants submit, therefore, that claim 15 is patentably distinguishable over the prior art.

Reconsideration and allowance of claims 11-18 are respectfully requested.

Respectfully submitted,

GABRIELE BUNGARDT ET AL.

By: Mark C. Terrano

Mark C. Terrano, Reg. No. 40,200
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel: (415) 858-7171